

APPROVED: MEETING NO. 38-84

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 35-84

October 8, 1984

The Mayor and Council of Rockville, Maryland, convened in Executive session in the City Manager's Conference Room, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland on Monday, October 8, 1984, at 7:05 p.m. for consultation with legal counsel and property negotiations.

There being no further business to come before the Council in Executive Session the Meeting was adjourned at 7:58 p.m. to convene again in general session at 8:00 p.m.

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, October 8, 1984, at 8:00 p.m.

PRESENT

Mayor John K. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Movsepien

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Paul Glasgow;
City Clerk Helen M. Heneghan

Re: City Manager's Report

Mr. Blick reported the following:

1. Bob Goodin, Director of Public Works, was just elected President of the American Public Works Association.

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2. Interns will be video taping the next few Council meetings, testing to determine if additional lighting will be required in preparation of the live cable cast of future meetings. This should begin by the end of the year.

Mr. Blick introduced Robert L. Clark, Water Plant Operator who recently won the American Water Works Association Chesapeake Chapter "Water Plant Operator of the Year Award". Mayor Freeland presented the award to Mr. Clark. He was presented with a silver plate. Mr. Blick introduced Mr. Ted Davis, Water Plant Supervisor, who received the American Water Works Association "Award of Merit" that was given to the management and employees of the Rockville Water Treatment Plant. The Mayor and Council congratulated both gentlemen.

Re: Proclamation:
Businesswomen's Week

Proclamation No. 13-84

There being no objection from the Council, Mayor Freeland proceeded to issue Proclamation No. 13-84, proclaiming the week of October 21 - 27 as Rockville Businesswomen's Week. Councilwoman Hovsepian read the proclamation at the request of the Mayor in which it was urged that all citizens join in this salute to working women.

Ruth Hanessian addressed the Mayor and Council and introduced several Rockville Businesswomen. Meg Casey presented a book to the Council listing all of the business women in the City.

Re: Appointments

Mayor Freeland made the following appointments. They were confirmed by the Council.

Senior Citizens Commission: Jean Brady - Temporary Chairman
Pearl Sigel - reappointed - three year term
Thomas P. Reilly - appointed - three year term
1606 Gruenther Avenue
Joseph Zetts - appointed - three year term
121 Ritchie Parkway

Rockville Housing Authority: Carole T. Cohen - to fill unexpired term of
D. Steinman - August, 1985

Traffic & Transportation Commission: Glennon Harrison - reappointed - two years
Herbert Pennock - reappointed - two years

Re: Presentation by
Delegate Michael
Gordon

Delegate Michael Gordon, Rockville, presented the City with a framed poster commemorating the 350th Anniversary of the State and the 30th Anniversary of Home Rule in Maryland. The presentation was made on behalf of the other Delegates Forehand and Boergers and Senator F. Shore of the 17th District. Mayor Freeland thanked Delegate Gordon.

Re: Citizen's Forum

The Mayor and Council opened the meeting to those citizens who wished to address the Mayor and Council:

1. Mark Allen, North Farm. Mr. Allen asked the Mayor and Council if they would adjust this evening's agenda and move Item Number 11 forward since many people are here who are quite interested in the outcome of the schedule change in Area 12. Mayor Freeland assured Mr. Allen that the adjustment would be made according to the Public Hearing schedule.

2. Phyllis Blum, 1201 Potomac Valley Road, President of Markwood Civic Association. Mrs. Blum said that there was a meeting in City Hall last Thursday, Chaired by Councilman Abrams, and although her citizens association is affected by Westmont Development, she was not included in the meeting and she should have been. Mayor Freeland explained to Mrs. Blum what that meeting was and asked Mr. Abrams to make further comments. Councilman Abrams asked the City Clerk to make the list of invitees available to Mrs. Blum since he was under the impression she had been included. Mrs. Blum asked that the Mayor and Council consider slowing down the speed in which the Westmont property zoning is being

reviewed. She said considering the fact that Area 3 has been worked on for so long there seems to be no reason to have Area 12 done so quickly.

3. Steve Fisher, President of the Alliance for Rockville Citizens. Mr. Fisher requested that all discussions concerning Area 12 be taped so they will be part of the official record. He asked if Item No. 15, approving the Ritchie Parkway funding agreement pertains to the Westmont Development and if it does he suggested it be held up until a decision is made on Area 12. He said he is glad to see the Ethics Ordinance Review come to fusion. Councilwoman Hovsepian clarified for Mr. Fisher the Ritchie Parkway funding agreement listed on the Agenda and explained that the item has to do with negotiations over a portion of Ritchie Parkway built some years ago and not from the extension.

4. Barbara Chambers, 140 South Adams Street. Mrs. Chambers asked what the status is of the speed humps on South Adams Street since the Mayor and Council promised they would be in place on September 15. Mr. Goodin said that the Traffic and Transportation Commission had hoped to meet with the residents. Due to the lack of clarity in the petition a number of problems must be worked out. Mayor Freeland asked that it be taken care of in the next two weeks. The City Manager explained that the residents did not want to abide by the Mayor and Council's standards for construction. Perhaps the item should be brought back to the Mayor and Council for review. The Mayor suggested the matter be handled and resolved quickly. Councilman Tyner suggested that possibly the item should be brought back so that the Mayor and Council can settle the differences.

5. Richard Resnick, 953 Farm Haven Drive. Mr. Resnick addressed the Council at length concerning the Westmont Development and the Planning Commission's review of Area 12. He told the Council that the residents of North Farm, on very short notice, have turned out in large numbers tonight in order to show the Council how strongly they feel about the Area 12 development and to ask the Mayor and Council to closely track the activity of the Planning Commission.

It is the community's feeling that the Planning Commission's attention is focusing on the developer's plan. There are many traffic problems with Westmont Development. They exist at Montrose Road now and will only be aggravated there and at Montrose and Seven Locks, Executive Boulevard and many other places in the immediate area. It is only because of the pressure of the EDS location that the Plan is moving forward at such a speed. The Mayor and Council should be responding to the citizens and not to the developers. They should look to improving the quality of life. He asked the Mayor and Council, this evening, to put the timetable for Area 12 in its proper sequence and not rush it thereby prohibiting all citizen involvement. He asked if the Mayor and Council would please restore his faith in city government and in the process of good government.

6. Robert Minkoff, 33 Farm Haven Court. Mr. Minkoff asked that the Mayor and Council slow down the schedule of Planning Area 12. He disagreed with the methods of the Planning Commission to date and asked that the haste be discontinued.

7. Mark Allen addressed the Council again and referred to letters received from Chairman Barnett of the Planning Commission. He noted that a traffic study has not yet been done on Montrose and Monroe and the key issue is the entrance to the development must be by Montrose and Monroe.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Discussion of
Neighborhood Planning
Area 3 and Area 12
Timetable

Councilman Duncan said he has heard this evening & before the issues raised by Mr. Resnick and Mr. Minkoff and his concern is the timetable. He asked that there be no joint hearing of the Mayor and Council on November 20 but the hearing be

postponed and held by the Mayor and Council once a single plan is recommended by the Planning Commission. Councilman Abrams seconded Councilman Duncan's wishes. He noted that Area 12 is not like other areas and for that reasons deserves different treatment. He would like to see it kept on a time schedule to allow for a decision as early as practicable and asked that all cooperate to bring this about. He referred to his meeting held last week to address the problems with Westmont Development and said he did not know if his comments had gone back to the neighborhood. However, he has asked the staff to prepare a document on the current highway plans. He has also been shown an alternative to the Monroe Street entrance. He hopes the information is getting back to the neighborhoods. Councilman Abrams added that all residents of North Farm are welcome at his meetings.

Councilwoman Hovsepian said she too has been concerned with the numerous complaints about the rush and she is concerned information is not available on traffic. She would like to see that made available. She said she has a new schedule before her this evening that will be available to the citizens tomorrow. An additional meeting will be held so that the Mayor and Council can hold a work session on Planning Area 3 and give the citizens an opportunity to address the Mayor and Council on it. Councilman Tyner noted that the process of the Neighborhood Planning Advisory Group allows a full opportunity for discussion before and after the Planning Commission's recommendations. He noted that four projects are being considered by the Mayor and Council at the same time ranging from the Planning Areas to the Rockville Pike and Ritchie Parkway. He has asked the staff to do a matrix of all four showing the traffic projections and the input. He also asked that the staff, in their matrix, consider the affects of County activity. He added that the same criteria for citizen input be followed in the Planning Area 12 study but he asked that the

schedule be mailed to all civic associations so the entire City can speak since it involves all the citizens.

The following schedule was approved by the Mayor and Council:

	<u>Westmont Planning Area 12</u>	<u>Hungerford/Stoneridge- New Mark Commons Planning Area 3</u>
Tuesday, November 20	Public Hearing on 4 plans by Planning Commission	
Wednesday, November 21	Planning Commission Work Session	
Wednesday, December 5	1. Planning Commission on Master Plan 2. Planning Commission file zoning Text Amendment	
Tuesday, December 11	1. M&C decide to hold public hearing on Planning Commission recommendation 2. Refer text amendment to Planning Commission 3. Instruct staff to file Map Amendment	
Wednesday, December 12		Public Hearing: M&C and Planning Commission
Wednesday, January 9		Recommendation to M&C
Monday, January 14	M&C hold public hearing on Master Plan, Map Amend- ment, and Text Amendment	
Monday, January 21		Work Session
Monday, January 26	Close record. M&C instruct staff to prepare ordinances on Text and Map amendments and Master Plan amendments	M&C decision. Instruct staff to prepare Master Plan Amendment
Monday February 11	M&C introduce ordinance on Text Amendment, Map Amend- ment, and Master Plan Amendment	Introduce Master Plan amendment
Monday, February 25	M&C adopt ordinances on Text and Map Amendments and Master Plan Amendment	Adopt Master Plan Amendment

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Councilman Duncan asked that copies be made available to the public tomorrow. The City Manager said it would be and it would be mailed to the appropriate parties. Councilwoman Hovsepian asked that it be mailed to those people on the mailing list for Mayor and Council agendas.

Re: Public Hearing: Text
Amendment Applica-
tion, T-59-84, M&C of
Rockville, Applicant,
amending the text of
the zoning ordinance
so as to make City
child care regula-
tions compatible with
those of Montgomery
County

The Mayor and Council conducted a public hearing on Text Amendment Application T-59-84, and heard those persons as will be found in the official stenographic transcript of the public hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing closed with the record to be held opened for two weeks.

Re: Public Hearing:
Permit Parking
Districts - Twinbrook
Neighborhood and East
Rockville Neighbor-
hood - Areas that
will be impacted by
the opening of the
Rockville and Twin-
brook Metro Stations

The Mayor and Council conducted a public hearing on permit parking districts - Twinbrook Neighborhood and East Rockville Neighborhood - areas that will be impacted by the opening of the Rockville and Twinbrook Metro Stations. There being no other citizen wishing to be heard, the Mayor declared the hearing closed with the record to be held open for two weeks.

Re: Sale of Land -
Research/Gude Drive

This is an Offer of Agreement with the Louthan Tract Joint Venture for the

sale of excess City owned property at the future southeast intersection of Research Boulevard and Gude Drive. These highways are presently under construction. The sale price is \$158,250 and the purchaser agrees to accept and pay a special assessment for Gude Drive and Research Boulevard in the amount of \$138,297.67, plus applicable interest.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Sale of Land was unanimously approved.

Re: Introduction of
Ordinance: To Amend
Appropriations
Ordinance

On motion of Councilman Duncan, there was introduced upon the table an ordinance amending the Appropriations Ordinance for 1985, said ordinance to lay over at least one week before final action is taken.

Re: Resolution: To
Participate in
Sensitivity/Awareness
Program with
Montgomery County

Montgomery County will be holding its Hate/Violence Sensitivity Awareness Day on December 10, 1984. This will be the second year for the program which this year is being expanded to include participation from the governmental, business, and citizens-at-large segments of the community, in addition to focusing on the Montgomery County Public School system. What is envisioned is a program to be offered in multiple locations throughout the County, either two or three, with three - 1 1/2 hour programs offered at each location.

Councilman Abrams suggested the City follow the program of Montgomery County.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Council agreed to participate in the Sensitivity/Awareness Program with Montgomery County.

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Re: Approval of purchase
of property for
Twinbrook Parkway
widening

This is an Offer of Sale of Land Contract for the purchase of property from the Holladay-Tyler Printing Corporation. This property is needed in connection with the planned widening of Twinbrook Parkway in the vicinity of the Chapman Avenue intersection. This project (CIP Project T-8) will accommodate increased traffic expected with the opening of the Twinbrook Metro Station.

The offer is in the amount of \$3,120 for right of way being purchased at the Holladay-Tyler facility. This taking consists of a parcel containing 312 square feet which the City is acquiring in fee simple.

On motion of Councilman Abrams, duly seconded and unanimously passed, the purchase of property for the Twinbrook Parkway widening, in the amount of \$3,120, was approved by the Mayor and Council.

Re: Bid No. 27-85, Road-
way Improvements,
Twinbrook/Chapman
Drive, Monroe and
Mall Ramp Area

Bids were opened at 10:30 a.m. Monday, October 1, 1984, in the City Hall Council Chambers. The bid covers roadway improvements for two locations, one at the Rockville Metro Station and the other at the Twinbrook Metro Station. The contract calls for completion of both by December 14, 1984. Four firms requested bid documents and of this number two submitted bids as follows:

	<u>Hungerford/ Monroe</u>	<u>Twinbrook/ Chapman</u>
Nazario Construction, Inc., Beltsville, MD	\$178,245	\$257,323
Concrete General, Inc., Gaithersburg, MD	168,955	261,500
Engineer's Estimate	\$131,799	\$215,291

The staff recommends the following action:

- (1) Award the Twinbrook/Chapman Roadway modification to the low bidder, Nazario Construction Company, Inc., in the amount of their bid of \$257,323;
- (2) Award the Monroe Street/Mall ramp area roadway restoration project to the low bidder, Concrete General, Inc., in the amount of their low bid of \$168,955;
- (3) Instruct the staff to present the award to each contractor with a strong emphasis for the need to initiate and complete the work by the December 14, 1984, deadline;
- (4) Request the MDSHA to increase their funding commitment to cover the full cost of the roadway restoration work.

On motion of Councilman Duncan, duly seconded and unanimously passed, Bid No. 27-85 was awarded to the Nazario Construction Company, Inc., for \$257,323 for the Twinbrook/Chapman Improvement and to Concrete General for \$168,955 for the Hungerford/Monroe Improvement and the other items as recommended by staff.

Re: Preliminary Review
and Referral of Text
Amendment, T-64-84,
Clinton A.M.E. Zion
Church, Applicant

The subject Text Amendment has been filed by the Clinton A.M.E. Zion Church on Westmore Avenue. The church desires to expand its building, but does not have space for necessary parking on-site. This text amendment would allow off-street parking for a church or other place of worship to be accommodated on a separate lot, provided it is within 500 feet of the institution.

On motion of Councilman Abrams, duly seconded and unanimously passed, Text Amendment, T-64-84, was referred to the Planning Commission for further action.

Councilman Tyner asked that information on this item be passed on to every civic association along with a copy of the application. He would like a note sent with it saying the application has been filed and the Mayor and Council

want all civic associations to be made aware of it since it has implications in all neighborhoods.

Re: Approval of Ritchie
Parkway funding
agreement

Orchard Ridge is a subdivision approved by the City Planning Commission for 268 single family residential lots situated in the south quadrant of the intersection of Falls Road at Seven Locks Road. It is bisected by Ritchie Parkway extending from Seven Locks Road to Falls Road.

This section of Ritchie Parkway was constructed under a shared funding arrangement between the City and Freeman Associates, original owner/developer of Orchard Ridge. The developer was required to dedicate full width right-of-way and to pay the major share (68%) of construction costs plus pay a share of the cost of widening and improving Seven Locks Road. Both of these projects were constructed under the City contract. The developer was to reimburse the City for their share on a proportional basis as each newly developed lot transferred to its new owner with a maximum repayment time of 5 years from the date of the City's initial construction expenditure. This time limit was arrived at based on the developer's projected housing completion schedule. These conditions were embodied into a formal financial agreement between Freeman Associates and the City which was executed in June 1979. The City completed all roadway construction in 1981.

Subsequently, due perhaps to the economic conditions in the residential housing industry during the early 1980's, the housing project lay dormant for several years. Eventually, the section of the tract lying south of Ritchie Parkway was sold to a new owner/developer and development is now nearing completion. A portion of the construction costs have been reimbursed to the City.

Recently, the remainder of the tract, which lies north of Ritchie Parkway, containing 177 lots was sold to Kettler Brothers and they are presently

processing final engineering plans with the intent of initiating construction as soon as possible. They, in turn, have an agreement to sell 57 of the 177 lots to a third party, Martin Poretosky.

Kettler Brothers has recently requested a three (3) year extension of the maturity date for repayment of their share of the costs of the Ritchie Parkway/Seven Locks Road improvements. The extension period was established based on their projection of the schedule for development of the 177 lots.

If the Mayor and Council are agreeable to the extension, the City Attorney should prepare a supplement to the 1978 Freeman/City agreement which embodies the following conditions:

- (a) Transfers appropriate responsibility for the Freeman repayment obligations to Kettler Brothers/Martin Poretosky;
- (b) Extends the repayment maturity date to November 1987;
- (c) Adjusts the interest charges to reflect the interest rates to be paid by the City to carry the financial obligation until November 1987.

The original funding split between the City and Freeman Associates for Ritchie Parkway/Seven Locks Road was favorable to the City. An extension of the repayment time based on the conditions cited above will not insure the City and will benefit the developer. Therefore, it is the staff's recommendation that the request by Kettler Brothers be approved based on the above cited conditions and that the City Attorney be instructed to prepare the supplemental agreement. It is further recommended that the City Manager be authorized to execute the agreement on behalf of the Mayor and Council.

On motion of Councilman Tyner, duly seconded and unanimously passed, the agreement was approved and authorization was given to the City Manager to sign on behalf of the City.

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Re: Discussion and
further instructions
to staff and/or
Introduction of pro-
posed revisions to
Ethics Ordinance

Mayor Freeland stepped down from the Chair and Councilman Tyner assumed the Chair as Mayor pro tem for the discussion of the Ethics Ordinance. Before the Council this evening are three items - an amended ordinance that favors disclosure, an amended ordinance favoring prohibition and a Charter Amendment allowing for recall. These were drafted by the City Attorney after instructions from the Council in the last work session. The City Attorney answered questions from the Council and explained that some of the changes incorporated are to comply with requirements of the State Ethics Commission and others are based on the Montgomery County Ordinance as requested by the Council. The Council discussed the idea of changing the calendar year for financial disclosure reporting. No final decision was reached on that. Other technical changes were made the substitution of "impact" for "interest" and a better definition of employment. The Council agreed the items would be introduced and a public hearing set for December 4.

On motion of Councilwoman Hovsepien, there was introduced upon the table an ordinance to amend Chapter 15 entitled "Ethics Provisions" of the "Laws of Rockville" by repealing and re-enacting with amendments Sections 2-102, 3-103 and 5-101 and by adding new Sections 2-103, 3-105 and 5-102 so as to make Chapter 15 entitled "Ethics Provisions" substantially similar to the Maryland public Ethics Law and to permit voters to initiate recall petitions.

On motion of Councilman Duncan, there was introduced upon the table an ordinance to amend Chapter 15 entitled "Ethics Provisions" of the "Laws of Rockville" by amending Sections 1-102, 1-103, 1-104, 2-102, 3-103 and 5-101 and by adding new Sections 3-105 and 5-102 so as to add additional statements of

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purpose, modify and add further definitions, establish an Ethics Commission, increase the scope and application of conflicts of interest provisions, including additional employment restrictions, to provide financial disclosure requirements for appointed officials and employees, to permit the City Manager to take personnel action against employees for a violation of this Chapter, and to otherwise make certain technical modifications and amendments to Chapter 15 of the "Laws of Rockville".

On motion of Councilman Abrams, there was introduced upon the table a Resolution to amend the Charter of the City of Rockville to renumber Section 6 of Article III of the Charter of the City of Rockville as Section 7, the same being contained in Section 72-13 of the Montgomery County Code, 1972 (1977 Replacement volume), and to add a new Section 6 to Article III of the Charter of the City of Rockville, so as to provide for recall elections and the recall of the Mayor or a Councilmember.

The staff was instructed to mail copies of the documents to all civic associations, all persons who spoke pro or con at Citizen's Forum, the State Ethics Commission, members of the boards and commissions, political parties, and anyone who wrote a letter concerning Ethics.

Re: Approval of Minutes

On motion of Councilman Tyner, duly seconded and unanimously passed, the Minutes of Meeting No. 26-84, August 29, 1984, were approved as written.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of Meeting No. 29-84, August 30, 1984, were approved as corrected.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the Minutes of Meeting No. 30-84, September 5, 1984, were approved as written.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of Meeting No. 31-84, September 10, 1984, were approved as corrected.

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On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of Meeting No. 32-84, September 24, 1984, were approved as corrected.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of Meeting No. 33-84, September 25, 1984, were approved as written.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. National League of Cities, re report to membership
2. Senator Mathias, re antitrust issues
3. H.L. Zuckman, re resignation
4. R. Turner, EDC, re volunteer party
5. Janet Smith, re resignation
6. DOT, re I-270 widening
7. Town of Hancock, Maryland, re Statue of Liberty restoration
8. Dr. Coles, Wootton High School, re stadium lights
9. Al & Evelyn Premo, re Fletcher Place permit parking

Re: Information Items

The Mayor and Council noted the following items of information:

1. Letter commending City employee
2. Senior Center Newsletter
3. Letter to West End Citizen's Association, re SWM program
4. Memo re Police Walking Patrols
5. Memo re Community Detention Program
6. Public Works Department Status Report
7. 1984 Rockville Youth Employment Program report
8. Memo re Storage of Vehicles
9. Letter to School Board re Treatment Center buses
10. 1984 Annual Report

11. Copy of memo to Co. Gelman from County Exec. re Gaithersburg/Vicinity Master Plan
12. Letter of complaint and response
13. Letter re Workers' Compensation

Re: New Business

1. Councilman Abrams told the Council that the Richard Montgomery Task Force meetings are proceeding. They had the advantage of hearing Superintendent Sawyer of Falls Church who explained to them the trials and tribulations of starting a high tech school in Virginia. People are now taking a new look at the concept and Richard Montgomery is a good place for it. Fairfax's initial concerns were from teachers, since members of the private sector would be doing the instructing. Interesting arrangements were worked out that satisfied the concerns.

2. Councilman Duncan drew the Council's attention to a study of the Red Brick Courthouse done by Montgomery County. He asked that all read it and staff review and return with an appropriate response.

3. Councilman Duncan asked the City Manager if the Council might have a packet of information on the West End issues prior to the neighborhood meeting.

4. Councilwoman Hovsepian noted that information on the Municipal League Charter Amendment had been sent to the Council. She asked who would be representing the City and what the City's position would be on this. The Council will discuss this at a later time.

Re: Adjournment

There being no further business to come before the Council, the meeting was adjourned at 11:50 p.m. to convene again in work session on Monday, October 15, at 7:30 p.m. or at the call of the Mayor.